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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,152	12/01/2000	Michael H. Gilbert	F-120	4441

919 7590 10/31/2007
PITNEY BOWES INC.
35 WATERVIEW DRIVE
P.O. BOX 3000
MSC 26-22
SHELTON, CT 06484-8000

EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/728,152

Applicant(s)

GILBERT, MICHAEL H.

Examiner

Stefano Karmis

Art Unit

3693

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Applicant's arguments filed 08 October 2007 have been fully considered but they are not persuasive. The Examiner addressed these arguments previously in the final rejection mailed 09 August 2007. The Examiner maintains the rejection, as discussed below.

Regarding claim 1, Applicant argues that Savage fails to disclose the amended limitation of "collecting by a first computer unit usage information by a direct feed of raw data of the service from a meter..." The Examiner respectfully disagrees. Savage discloses that the bill calculation by computer systems of the financial institution involves receiving and validating energy usage data feed and automatically calculating charges and taxes based on the energy pricing parameters (page 5, paragraph 0055). Savage further discloses that the bill aggregator accepts multiple billing feeds, including retail company, telephone and credit card charge data and posts the charges to the general ledger system (page 6, paragraph 0059). Savage discloses that the statement generation includes telephone direct feeds (page 15, paragraph 0110). Savage also discloses re-reading meters for disputes in energy bills (pages 11-12, paragraph 0088). Therefore Savage anticipates collecting usage information by a direct feed of raw data of a service from a meter. For at least these reasons, Applicant's argument is not persuasive and thus claims 1-5 and 8-18 stand rejected. Applicant argues that the generation takes the charges from the retail company aggregator and the credit card and the telephone and places them on a single bill in the customer preferred format, however this argument is not persuasive. Applicant is arguing that generation system does not use direct feeds, which is not specified in the claims. The claims use the direct feed of raw data for collection of usage information, which is disclosed by Savage as discussed above. The generation of the billing information is done based on the usage information, not based on any direct feed. Therefore the rejection under Savage is maintained.

Regarding claims 6-7, Applicant argues that Savage in view of Carlin fails to teach printing the bill at an optimal mailing location based on address information of the customer. The Examiner respectfully disagrees. Savage teaches that bills may be delivered to the customer by paper invoice (page 15, paragraph 0110). Savage fails to teach printing the bill at an optimal mailing location based on the address, transportation cost, environmental impact or mail capacity of a distributor and mailing the bill to the customer. Carlin teaches a system and method for hybrid mail with distribution processing wherein multiple mail centers produce finished mail pieces sorted based on zip code (column 3, lines 35-59). Carlin teaches that variable data which includes zip codes (i.e. address information) is sorted and that this geographically sorted data is transmitted to a geographically appropriate mail production facility (column 3, lines 23-33). Therefore the mail is being produced at an appropriate geographic location based on the zip code. For at least these reasons, Applicant's arguments are not persuasive and thus claims 6-7 stand rejected.

Respectfully Submitted
Stefano Karmis
16 October 2007

